REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-29 were pending in this application. In an Office Action mailed May 31, 2007, claims 23-25 were rejected under 35 U.S.C. § 101 because the claims are directed to nonstatutory subject matter. Claims 1-29 were rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Application No. 2003/0035004 to Dove et al. ("Dove"). To the extent these rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

In this Amendment, claims 1, 4, 18, 23, and 28-29 have been amended. Claim 3 has been canceled. Accordingly, upon entry of this Amendment, claims 1-2 and 4-29 will be pending.

Rejection of claims 23-25 under 35 U.S.C. § 101

In accordance with the Examiner's suggestion, in this Amendment, claim 23 has been amended to recite a system for controlling rheometer operation that includes, among other things, a computer readable medium including a database memory configured to store test objects and test options used by the programming interface. Accordingly, claim 23, as presently amended, recites statutory subject matter. Applicants therefore respectfully request that the rejection of claims 23-25 under 35 U.S.C. § 101 be withdrawn.

Rejection of claims 1-29 under 35 U.S.C. § 103(a)

The rejection of claims 1-29 should be withdrawn because, upon entry of this Amendment, all the claims will include subject matter that is neither taught nor suggested by the cited art.

Claim 1

Independent claim 1 has been amended to include the subject matter formerly recited in claim 3, which has been canceled. Amended claim 1 now recites, among other things, a method for dynamically controlling operation of a rheometer, comprising receiving user selections of a plurality of nodes and connections of each node to another node according to directional connection indicators, wherein nodes indicate steps for performing a test upon a sample or configuring a rheometer for performing a test upon a sample, and identifying parameters associated with each selected node and receiving respective parameter values from the user. Thus, the claimed method entails receiving selected test steps (nodes) for a rheometer test, in an order (receiving connections of each node to another node according to directional connection indicators), and receiving parameters and parameter values for each node. By receiving specific parameters associated with a test node, a test procedure for the rheometer is created.

Figure 10 illustrates how exemplary parameters (test frequency, initial stress, final stress, points per decade) can be identified that are used in an individual node (Dynamic stress sweep). As illustrated, the parameters correspond to fields in form related to a Dynamic stress sweep step that could be used as part of test procedure. In addition, Figure 10 illustrates how the parameter values can be received wherein a user enters specific numbers in the parameter fields. Dependent claim 4 has been amended to recite a further feature of these parameter fields, as disclosed in paragraph [0007].

Dove is directed toward deploying graphical programs in portable devices, such as PDAs. While Dove does disclose that the programs can be created using nodes or icons (paragraph [0018]), nowhere does Dove teach or suggest the step of receiving parameter values associated

with the nodes, let alone identifying parameters of the nodes, as recited in amended claim 1. The portions of Dove (paragraphs [0020] and [0097]) cited by the Examiner to support the rejection of claim 3 (whose subject matter is now contained within claim 1), merely disclose how a user may select programs (paragraph [0020]) and how a graphical program may be converted to executable format (paragraph [0097]). Paragraph [0020], for example, states that a user can select a program by browsing a file system or dragging and dropping icons (see lines 10-16). Paragraph [0097] states that a software program may be used to convert data structures that comprise a graphic program into an executable format (see lines 6-11). These teachings, however, cannot be fairly construed to disclose the step of *identifying parameters associated with each selected node* and *receiving respective parameter values from the user*, as recited in amended claim 1.

Because Dove fails to teach or suggest the complete combination of elements recited in amended claim 1, Applicants respectfully request that the rejection, under 35 U.S.C. § 103(a), of claim 1 and all the dependent claims 2 and 4-12 thereto be withdrawn.

Claim 13

Claim 13 recites the step of selecting parameter values associated with particular nodes, similarly to what is recited in amended claim 1. At least for the reasons as apply to claim 1, claim 13 also recites subject matter that is not taught or suggested by Dove. Applicants therefore respectfully request that the rejection of claim 13, under 35 U.S.C. § 103(a), and all the dependent claims 14-17 thereto, be withdrawn.

Claim 18

Similarly to claim 1, claim 18 has been amended to recite a method that includes the step of identifying parameters associated with each selected node and receiving respective parameter

values from the user. At least for the reasons as apply to claim 1, claim 18 also recites subject matter that is not taught or suggested by Dove. Applicants therefore respectfully request that the rejection under 35 U.S.C. § 103(a) of claim 18 and all the dependent claims 19-22 thereto, be withdrawn.

Claim 23

Claim 23 has been amended to recite a method that includes the step of receiving respective parameter values associated with each node. At least for the reasons as apply to claim 1, claim 23 also recites subject matter that is not taught or suggested by Dove. Applicants therefore respectfully request that the rejection under 35 U.S.C. § 103(a), of claim 23 and all the dependent claims 24-25 thereto, be withdrawn.

Claims 28 and 29

Claims 28 and 29 have each been amended to include the steps of receiving user selections of a plurality of nodes and connections of each node to another node according to directional connection indicators, wherein nodes indicate steps for performing the test upon a sample or configuring a rheometer for performing the test upon a sample and identifying parameters associated with each selected node and receiving respective parameter values from the user. As noted above, the latter step is neither taught nor suggested by Dove. Applicants therefore respectfully request that the rejection under 35 U.S.C. § 103(a), of claim 23 and all the dependent claims 24-25 thereto, be withdrawn.

In view of the foregoing, all of the claims pending in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

PAUL HASTINGS JANOFSKY & WALKER LLP
875 15th Street, N.W.
Washington, DC 20005
Tel: 202-551-1700

Respectfully submitted,

GREHLINGER ET AL.

Date: November 6, 2007

By: _____
Aslan Baghdadi
Registration No. 34,542

Attachments

AB/RAR/aer

Customer No. 36183